

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

JAN -9 2007

COURT OF APPEALS
DIVISION TWO

EDWARD GOLDWATER,

Petitioner/Appellant,

v.

JUDY FREIGO,

Respondent/Appellee.

2 CA-HC 2006-0002
DEPARTMENT A

MEMORANDUM DECISION

Not for Publication
Rule 28, Rules of Civil
Appellate Procedure

APPEAL FROM THE SUPERIOR COURT OF PINAL COUNTY

Cause No. CV-200601074

Honorable Boyd T. Johnson, Judge

APPEAL DISMISSED

Edward Goldwater

Florence
In Propria Persona

V Á S Q U E Z, Judge.

¶1 Edward Goldwater has attempted to appeal from the trial court's order denying his petition for a writ of habeas corpus and transferring the case and relevant documents to Maricopa County Superior Court for further proceedings pursuant to Rule 32.3, Ariz. R. Crim. P., 17 A.R.S. Because his petition is not in the record before us, having been transferred to another court, and

because the claims he apparently raised therein are not cognizable claims under the statutes and case law governing habeas corpus petitions, we dismiss the appeal.

¶2 As Goldwater himself acknowledges, a habeas corpus proceeding determines whether a person is being unlawfully detained. *See* A.R.S. § 13-4131(A) (“If no legal cause is shown for the imprisonment or restraint, or for continuation thereof, the party shall be discharged from custody or restraint.”); *State v. Abbott*, 103 Ariz. 336, 339, 442 P.2d 80, 83 (1968). As the trial court correctly recognized in its order, the issues he attempts to raise are instead issues for the appeal or post-conviction proceedings of his criminal cases: his innocence, double jeopardy violation, ineffective assistance of counsel, and coercion of his guilty pleas.

GARYE L. VÁSQUEZ, Judge

CONCURRING:

JOHN PELANDER, Chief Judge

JOSEPH W. HOWARD, Presiding Judge